

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
May 3, 2010**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on May 3, 2010, at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

APPROVAL OF AGENDA

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to approve the May 3, 2010 agenda as revised.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

Mrs. Linda Sharkey, 4965 Hanson Road, stated that she and her husband were not the applicants for the subdivision of their property in 2005.

Mr. Todd Sharkey, 1003 N. 5th Street, Stillwater, requested a number of changes to the City Council minutes of April 19, 2010. He would like to know if his 2005 application is complete according to policy records, rules and ordinances. He wants constituents to know it will cost the City \$50,000 when it is sued. He spoke in disrespectful tones to the Council, Mayor Martin and staff. Mayor Martin called him out of order. Mr. Sharkey began speaking about Mr. Lang's property, but his three-minute time limit was up, and Mayor Martin called his time.

COUNCIL COMMENTS

Councilmember Quigley:

Announced the Grand Reopening event at Sitzler Park, Saturday, May 9, 2010, at 10:00 a.m. to celebrate the new improvements to the park. Mr. Schwerm added that the event will be hosted in conjunction with Shoreview Area Youth Baseball. Ribbon cutting will be at 10:15 a.m.

Councilmember Wickstrom:

The Shoreview Green Community meeting will be Wednesday, May 5, 2010, at the Community Center. This is an opportunity for those interested to work on environmental projects.

Earlier in the day, she attended a meeting of Metropolitan Council and Mn/DOT representatives regarding road construction over the next 20 years. To bring roads to full capacity and eliminate congestion, the cost would be approximately \$40 billion. With existing funding sources, it is estimated that \$6 billion will be available for road projects. Focus will be on projects that bring a bigger result for less money. Some projects being considered will impact Shoreview. One is I-694, which is a disaster now. She wants residents to be aware of the limited funding available to meet transportation needs.

Mayor Martin:

Expressed condolences to the City of Maplewood and especially the family of Sergeant Bergeron, who was recently shot and killed. His brother was a commander for Ramsey County Sheriff's Department for many years and a personal friend of Shoreview.

Hazardous waste pickup is scheduled by Ramsey County in Arden Hills at the Highway Department on Fridays and Saturdays for the entire month of May. This is everyone's opportunity to get rid of hazardous items like paint thinners, solvent adhesives, and things that are not supposed to be disposed of in the garbage. The hours are 10:00 a.m. to 6:00 p.m. on Fridays and 9:00 a.m. to 4:00 p.m. on Saturdays. Also, mercury thermometers can be exchanged for digital ones.

Councilmember Huffman:

Tickets are sold out for the Northwest Youth and Family Services Annual Leadership Lunch.

Effective today, Shoreview, working with the Greater Metropolitan Housing Corporation, has rolled out a Home Energy Improvement Loan Program. This is for those who would like to make energy related improvements to their home. Applications are available through the Housing Resource Center (HRC). The HRC can help with the application and also provide information on other available programs.

Councilmember Withhart:

A Business Exchange will be held May 19, 2010, in the Fireside Lounge, from 7:30 to 9:00 a.m. This is an opportunity for local business owners to meet with Councilmembers and staff and discuss areas of concern.

CONSENT AGENDA

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to adopt the consent agenda of May 3, 2010 approving the necessary motions and resolutions:

1. April 19, 2010 City Council Meeting Minutes
2. Receipt of Committee/Commission Minutes:
 - Economic Development Commission, March 16, 2010
 - Planning Commission, March 23, 2010
 - Human Rights Commission, March 24, 2010
 - Bikeways and Trails Committee, April 8, 2010
 - Environmental Quality Committee, April 26, 2010
3. Verified Claims in the Amount of \$635,992.66
4. Purchases
5. Appreciation and Acceptance of Gifts - Shoreview Area Youth Baseball
6. Establishing A Tax Compliance Policy Relating to Tax Exempt Bonds and "Build America Bonds"
7. Authorize Bids - 2010 Street Seal Coat, CP10-03
8. Approve Revocation of Non-Existing Segment - Shoreview MSA Street System
9. Developer Escrow Reduction
10. Approval of 2010 Agreement for Slice of Shoreview Event Coordinator

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

TEXT AMENDMENT - WILD ANIMALS

Presentation by City Planner Kathleen Nordine

This amendment is in response to a request from a resident to be allowed to keep a raptor. She is a licensed falconer. Falcons are currently allowed on certain residential property of two acres or more in the City. However, her property is a standard residential lot. The Council held a joint workshop with the Planning Commission in March to discuss this issue. While there is support for the request, there were also concerns regarding lot size, number of raptors to be kept, shelter setbacks and noise related to young birds. This proposed ordinance addresses those issues.

The Planning Commission held a public hearing on April 27, 2010, for the amendments to Chapter 200 and 601 and recommended approval with a 5 to 2 vote. Commissioners dissenting stated that they do not support this type of use in residential areas on lots smaller than two acres.

A definition of wild animals would be included in both Chapters 200 and 601, which would include falcons. Falcons could be allowed as long as they are kept under state and federal licensure requirements. Insurance and setback requirements would be consistent with what is required to keep chickens. Falconers are required to be licensed by state and federal agencies. The City Council would hold a public hearing on the license and attach conditions for approval to address any concerns.

The proposed amendments to Chapter 601 include changes to definitions and to establish a licensure procedure for a two-year period that could be renewed. The City would have authority to revoke the license if there are problems. Raptors would be allowed on residential properties of minimum lot standards consistent with R-1 zoning with a lot area of 10,000 square feet and lot depth of 125 feet. The City Council could allow exceptions depending on surrounding land uses. Minimum shelter setbacks would be 5 feet from the side lot line and 10 feet from the rear property line. The shelter must be 30 feet from an adjacent principle structure, consistent with the requirement for chickens. One raptor would be permitted per license. Multiple licenses could be issued for a property. Hatchlings of less than one month old are not permitted. City license fees would be \$120.00 initially and a renewal fee of \$30.00. The new license fee would cover the cost of the public hearing. Renewal would be by administrative approval. Staff is recommending adoption of the proposed ordinance revisions to Chapters 200 and 601.

Public notices were sent out. Three responses were received in opposition to allowing raptors on lots consisting of less than two acres. One response was received in support.

Ms. Linda Baschky, 657 Pinewood Dr., stated that she has been working on her own raptor license for a period of over three years. Frank Taylor, a known falconer, is her mentor and helped her draft an ordinance for the City to allow falconry, which was denied. However, she and Mr. Taylor have been able to provide input to staff regarding the proposed ordinance amendments with regard to proper use of terms and practices. The ordinance alleviates all reservations and concerns, although two Planning Commissioners did not support it. She plans to find ways to continue to introduce residents to falconry and hopes to have a booth at the *Slice of Shoreview*.

Councilmember Withhart noted that only licensed handlers will be allowed to keep raptors. He asked if someone could catch a raptor and keep it. **Ms. Baschky** responded that the raptor could only be kept if the person is licensed. Currently, the license is under federal jurisdiction. In 2014, the state will take over raptor licensing.

Planning Commissioner Solomonson reported that there were not many objections to the amended definitions in the ordinance. There was considerable discussion at the Planning Commission meeting to reword Section 205.080 to link it to the clarified definitions in Chapter

601. That has been done. The setbacks were recommended to comply with the same as required for chickens. The two Commissioners who dissented were not specifically opposed to raptors but had the same objections as they had to chickens.

Councilmember Huffman stated that the City is not doing anything outside the state and federal government licensing requirements.

Councilmember Wickstrom commended Ms. Baschky for her patience with the process. This has not been a quick decision, and she has shown herself to be very responsible in working out the issues. Ms. Baschky convinced Councilmember Wickstrom when she explained that raptors are less dangerous than large dogs, and it is only the very young birds that make the screeching noise. The City has taken the precaution to be able to revoke the user license if there are problems, but she does not believe that will be the case.

Councilmember Quigley stated that this issue has been handled thoroughly and he is satisfied with the work done by Ms. Baschky, staff and the Planning Commission.

Mayor Martin stated that the process has been very educational. This issue pointed out the need to clarify the ordinance with respect to defining wild animals, and the community is well protected from any abuse the way the ordinance is written.

MOTION: by Councilmember Quigley, seconded by Councilmember Huffman to adopt Ordinance No. 868, revising Chapters 200, 601 and Exhibit B of the Municipal Code, relating to the keeping and licensure of animals, and to authorize publication of an Ordinance Summary.

The approval is based on the following findings of fact:

1. The proposed definitions of animals in Chapter 202 - Definitions make them consistent with the proposed definitions of animals to be used in Chapter 601 - Animal Licensing Control.
2. Permitting certain Wild Animals that have been licensed by the City to be kept in RE and R-1 Districts does not represent a safety issue and so is compatible with keeping licensed domestic animals.
3. The revision to Chapter 200 integrates City development regulations with animal licensing regulations of Chapter 601.020(B).
4. Adopting fees is appropriate for investigation and processing the license application.

ROLL CALL: Ayes: Quigley, Wickstrom, Withhart, Huffman, Martin
Nays: None

COMPREHENSIVE PLAN AMENDMENT - SURFACE WATER MANAGEMENT

Presentation by City Planner Kathleen Nordine

This amendment is to Chapter 9D, regarding regulations of surface water at the federal, state and local level through watershed districts and watershed management organizations. Shoreview currently has three watersheds within the City boundaries. The northern part of Shoreview is in the Rice Creek Watershed District. The eastern part is in Vadnais Lake Watershed Management Organization (VLWMO), and the southern part of the City is in Grass Lake Watershed Management Organization (GLWMO).

Recently, VLAWMO studied hydrological flows in that watershed district and made boundary changes of jurisdiction. Since only a small portion of Shoreview was located within the VLAWMO watershed, they felt that it could be handled by the two larger watersheds already in the City. Staff is proposing a Comprehensive Plan amendment to Chapter 9, Section D, remove any reference to VLWMO having jurisdiction in Shoreview. This amendment has been reviewed and approved by Rice Creek Watershed District, GLWMO and the Minnesota Board of Water and Soil Resources. The modifications are also consistent with the 2010 flood hazard study.

The Planning Commission held a public hearing on this matter. There were no public comments, and the Commission recommended approval on a 7 to 0 vote. Staff recommends approval subject to review and approval by the Metropolitan Council.

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to approve the comprehensive plan amendment to Chapter 9D, Surface Water Management. The plan amendment is consistent with the watershed boundary changes recently adopted by VLAWMO and other surface watershed management agencies and reflects the recent study completed by FEMA. Said approval is subject to review and approval by the Metropolitan Council.

ROLL CALL: Ayes: Wickstrom, Withhart, Huffman, Quigley, Martin
Nays: None

APPOINTMENTS TO HUMAN RIGHTS COMMISSION AND PUBLIC SAFETY COMMITTEE

City Manager Schwerm reported that the vacancy on the Human Rights Commission was advertised in January, 2010. The Human Rights Commission reviewed the applications and conducted interviews. The recommendation is for Cory Springhorn to be appointed.

The Public Safety Committee vacancy was not advertised because there were no vacancies in January. Peter Panos had previously applied, and the Committee indicated they would support his appointment.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to appoint Cory Springhorn to the Human Rights Commission for a term ending January 31, 2012; and appoint Peter Panos to the Public Safety Committee for a term ending January 31, 2011.

ROLL CALL: Ayes: Withhart, Huffman, Quigley, Wickstrom, Martin
Nays: None

APPROVAL OF ORDINANCE AMENDING CITY COUNCIL SALARIES

City Manager Schwerm stated that the Council adopted a policy to establish guidelines for adjustments to Council salaries. The adjustments are to be made every two years. The practice has been for adjustments to be equal to the cost of living for employees in that given year as long as they are within 10% above or below the average of other communities with a population from 20,000 to 50,000. The Mayor's salary is approximately \$748.00 per month, which is approximately 5% below the average. The adjustment this year is 1% or \$7/month. Currently, Councilmember salaries are \$554.00. The average is approximately \$603.00. The Council salaries are 8.1% below average. Councilmembers' salaries would increase \$6/month. With the increase, the Mayor's salary will be \$755.00, and Councilmembers \$560.00. The increases will take effect in January, 2011. The total budget impact is \$372.00.

Mayor Martin noted that throughout the metro area, local official salaries are more of a stipend for community service.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to approve Ordinance No. 867 amending Mayor and Council salaries effective January 1, 2011.

ROLL CALL: Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin
Nays: None

ADJOURNMENT

MOTION: by Councilmember Huffman, seconded by Councilmember Quigley to adjourn the meeting at 7:50 p.m. on May 3, 2010.

ROLL CALL: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 17th DAY OF MAY 2010.

Terry C. Schwerm
City Manager